

# Montana State Legislature

## **2013 Session**

### **Additional Documents include:**

- \*Business Report**
- \*Roll Call- attendance**
- \*Standing Committee Reports,**
- \*Table Bills, Fiscal reports etc.**
- \*Roll Call Votes**
- \*Witness Statements**
- \*Informational items**
- \*Visitor Registrations**
- \*Any other Documents;**
  - ~Petitions if any?**
  - ~Any and all material handed in after the meeting end.**

**The original is on file at the  
Montana Historical Society and  
may be viewed there.**

**Montana Historical Society Archives  
225 N. Roberts  
Helena MT 59620-1201  
2013 Legislative Scanner Susie Hamilton**

**BUSINESS REPORT**  
**MONTANA SENATE**  
**63rd LEGISLATURE - REGULAR SESSION**  
**SENATE FISH AND GAME COMMITTEE**

**Date:** Tuesday, February 5, 2013  
**Place:** Capitol

**Time:** 3:00 PM  
**Room:** 303

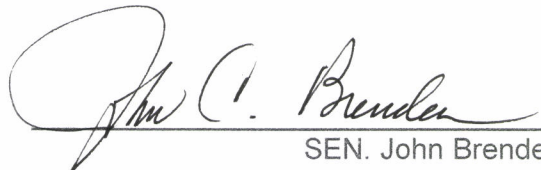
**BILLS and RESOLUTIONS HEARD:**

HB 73 - Revise wolf hunting laws - Rep. Kelly Flynn  
SB 197 - Create apprentice hunter certificate - Sen. Scott Boulanger

**EXECUTIVE ACTION TAKEN:**

HB 73 - Be Concurred In

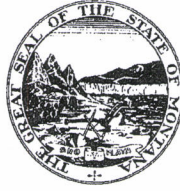
**Comments:**

  
SEN. John Brenden, Chair

**MONTANA STATE SENATE**  
**Roll Call**  
**FISH AND GAME COMMITTEE**

DATE: 2-05-13

<u>NAME</u>	<u>PRESENT</u>	<u>ABSENT/ EXCUSED</u>
SENATOR JOHN BRENDEN, CHAIRMAN	✓	
SENATOR RICK RIPLEY, VICE CHAIRMAN	✓	
SENATOR DEBBY BARRETT		Excused
SENATOR TOM FACEY	✓	
SENATOR JENNIFER FIELDER	✓	
SENATOR BRAD HAMLETT	✓	
SENATOR LARRY JENT	✓	
SENATOR JIM PETERSON		Excused
SENATOR FRED THOMAS	✓	
SENATOR KENDALL VAN DYK	✓	



## SENATE STANDING COMMITTEE REPORT

February 5, 2013

Page 1 of 1

Mr. President:

We, your committee on **Fish and Game** recommend that **House Bill 73** (third reading copy -- blue) **be concurred in.**

Signed: \_\_\_\_\_

*John P. Brenden*  
Senator John Brenden, Chair

To be carried by Senator John Brenden

- END -

**Committee Vote:**

**Yes 10, No 0**

Fiscal Note Required \_\_\_\_

HB0073001SC13750.swr



# SENATE PROXY

I, Senator Debby Barrett, hereby authorize Senator Ripley to vote my proxy before the Senate Fish and Game meeting held on Feb. 5<sup>th</sup>, 2013.

Debby Barrett  
Senator Signature

2/5/13  
Date

Said authorization is as follows: *(mark only one)*

- ☐ All votes, including amendments.
- ☐ All votes as directed below on the listed bills, and all other votes.
- ☒ Votes only as directed below.

[illegible]



# SENATE PROXY

I, Senator Jim Peterson, hereby authorize Senator Ripley to vote my proxy before the Senate Fish and Game meeting held on Feb. 5<sup>th</sup>, 2013.

Senator Signature

2/5/13  
Date

Said authorization is as follows: *(mark only one)*

- ☐ All votes, including amendments.
- ☐ All votes as directed below on the listed bills, and all other votes.
- ☒ Votes only as directed below.

[illegible]



**MONTANA STATE SENATE**  
**Visitors Register**  
**SENATE FISH AND GAME COMMITTEE**

**Tuesday, February 5, 2013**

**SB 197 - Create apprentice hunter certificate**

**Sponsor: Sen. Scott Boulanger**

**PLEASE PRINT**

Name	Representing	Support	Oppose	Info
Rachel Kinkie	US Sportsmen's Alliance	X		
Jason Ellsworth	Small boat owner	X		
Jon Wemple	Safari Club Intl.	X		
Ben Whalers	Self	X		
EVAN HEUSINKVELD	US Sportsmen's Alliance	<del>X</del>		X
Meagan Gorman	Self		X	
Paul Reissig	SELF	X		
Bob Gilbert	C.B.U.	X		
DAVID VAN TIGHEM	R.C.S. A		X	
GARY EVANS	N.W.T.F	X		
ROB ARNAUD	SELF	X		
MAC MINARD	MOGA	X		
KEITH KUBISTA	MTSFW	X		
George Gohie	MWF		X	
Jerry Davis	Self		X	
Joe Perry	MSA/Self		X	
CHRIS FORTUNE	NWTF	X		
Roger Lloyd	Self		X	
JOHN BORGREEN	MSA		X	
Ayden Fastender	Self	X		
Robert Sanders	Ducks Unlimited	X		
Gordon Pierson Rep HD85	Self		X	

Please leave prepared testimony with Secretary. Witness Statement forms are available if you care to submit written testimony.

**MONTANA STATE SENATE**  
**Visitors Register**  
**SENATE FISH AND GAME COMMITTEE**

**Tuesday, February 5, 2013**

## SB 197 - Create apprentice hunter certificate

**Sponsor: Sen. Scott Boulanger**

**PLEASE PRINT**

[illegible]

**Please leave prepared testimony with Secretary. Witness Statement forms are available if you care to submit written testimony.**



**MONTANA STATE SENATE**  
**Visitors Register**  
**SENATE FISH AND GAME COMMITTEE**

**Tuesday, February 5, 2013**

**HB 73 - Revise wolf hunting laws**

**Sponsor: Representative Kelly Flynn**

**PLEASE PRINT**

Name	Representing	Support	Oppose	Info
PAUL ROSSIGNOL	SELF	X		
KEITH KUBISTA	MT SFW	X		
MAC MINARD	MDGA	X		
George Goble	MWF	X		
John Youngberg	MTBF	X		
DAVID VAN TIGHEN	RCSA	X		
Jerry Davis	MBA	X		
Joe Perry	MSA	X		
George Pawley	FWP	X		
JOHN BORGREEN	MSA	X		
Kim Bean	Wolves of the Rockies		X	
Jeff Hagauer	FWP	X		
Mike Leahy			X	
Jay Bodner	MSGA	X		
Claudia Narcisco	MT Sierra Club		X	
Janet Ellis	MT Audubon	X		
No Quabers	Montana Sportsman Alliance	X		
ROB ANNAUD	MOGA	X		
Ben Lamb	<del>MT</del> SFW	X		

Please leave prepared testimony with Secretary. Witness Statement forms are available if you care to submit written testimony.

Chairman, John Brenden  
And Fish and Game Committee members

Feb. 5, 2013

Re: SENATE BILL 197

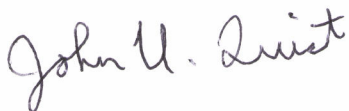
I'm an opponent of this bill.

My problem is with the extent of this bill. I think the age of the apprentice and the way the mentor works with them is inadequate. I believe the intent of Section 1 (2) of this bill is for there to be a caring "qualified" mentor to supervise and control the young apprentice hunter. However, further, this change in law will let any sub-12 year old youth be in total control of a firearm in a very dynamic environment!!

I **do not** feel this age group is ready for this much responsibility or have the corresponding mental and physical capabilities to be safe enough in this trust. If this bill is not defeated, please consider language keeping the firearm in the hands of the mentor until it's time to kill the animal. This still provides the child with the ability to be in the field, learn good hunting practices, respect for guns and to be the one who is the hunter and gets the game. I think this is the best and safest approach to accomplish the bill's goal.

Thank you for taking the time to read this. I hope you will again consider my proposed language change.

Sincerely,

A handwritten signature in cursive script that reads "John U. Quist".

John U. Quist  
Lewis & Clark County - voter  
129 Elmwood Ln.  
Helena, MT 59601

**Kulawik, Mary**

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**From:** Ron Hvizdak <hviz@interbel.net>  
**Sent:** Sunday, February 03, 2013 9:09 PM  
**To:** Kulawik, Mary  
**Subject:** Comments on SB197  
**Attachments:** SB197 concerns.docx

Mary - I talked with you on the phone last week in hopes of getting my concerns with SB 197 to the Senate Fish and Game committee before their hearing on Tuesday. I would appreciate it if you could make sure they get to see the attached letter. Please let me know if this came through alright.

Thanks,  
Ron Hvizdak



Ron Hvizdak  
3908 Sophie Lake Rd  
Eureka, Mt. 59917  
February 2, 2013

Montana Senate Fish and Game Committee:

As a longtime (30+years) volunteer Montana Hunter Education instructor in the Eureka area, I have some concerns with SB 197. Passage of this bill would enable youth under the age of 12 to get an apprentice license whereas they could go hunting with a mentor over the age of 18 prior to taking the Hunter Education course. The reasoning behind this bill, as far as I have been able to determine, is to encourage more youth to get interested in hunting and remove Hunter Education as a requirement prior to hunting because it is seen as a barrier. I feel this bill is flawed for a number of reasons.

The Montana Hunter Education program has been in existence since 1957. It has helped reduce the number of firearms accidents significantly, primarily among young people. For most of its existence it required anyone between the ages of 12 and 18 to be certified through the program before being issued a hunting license. It has always had a mentoring program in that it required anyone under the age of 14 to hunt with a parent or legal guardian when hunting. Several years ago the Montana legislature passed a law requiring all hunters born after January 1, 1985 to be certified before hunting. This was done because of safety problems that occurred from folks (including adults) who have never had any formal gun training. The goal was that at some point in the future, all people who enter the field to hunt in the State of Montana will have been certified in Hunter Education. SB 197 would be a step backwards in the safety of Montana hunters. There are already enough gun safety related issues in the media recently. We don't need to add to it.

I'm not a behavioral scientist, but whoever came up with the age of 12 being the cutoff for becoming eligible to hunt seemed to hit the nail on the head. In all my years of teaching in the program, it is apparent that the maturity level of 12 year old students versus 11 year olds (who can take the course and get certified even though they could not hunt til they turned 12) is significant. Those students under the age of 12 have not matured and often cannot even handle guns very easily due to their smaller stature. Are there young people under the age of 12 who can hunt and do it safely and properly? Absolutely. Can all students under the age of 12 hunt and do it safely and properly? Absolutely not. I'm sure that if you asked any parent, however, if their son or daughter was up to the task of hunting without training at the ages of 8, 9, or 10, almost all of them would say yes. I would argue whether that were the case and I'm sure many grade school teachers would agree with me with fewer and fewer parents taking responsibility for their child's education. SB 197 falsely assumes that anyone over the age of 18 who has passed the Hunter Education class would serve as a good mentor for someone who has not. It is absolutely scary to me having the thought of some person 18 years of age taking a young person (no minimum age) who has had no formalized training in gun safety into the fields of Montana.



We don't fail very many students in our Hunter Education classes as most of them are focused and eager to learn what we teach them. Usually those that fail are often the ones who are immature and have significant difficulty controlling the direction of the guns muzzle. The Hunter Education program has never been an obstacle for recruitment of hunters in Montana. It has been a springboard to safer hunters throughout the state.

However, if SB 197 passes this legislature, it would be sending a message to all the many volunteer Hunter Education instructors in Montana that what they do is a barrier to participation in the sport of hunting in Montana. I think many instructors would then be asking themselves "If what I am doing is barrier to young people hunting, then why do I do it?" I'll tell you why the many volunteer continue to provide many hours of their time teaching this class. It's because they all want to see Montana's hunting heritage continue in the safest manner possible. They want to ensure that everyone who enters the field to hunt in Montana does it safely and ethically. Any person, whether they are 6 or 60 years old, should have firearms training before entering the field to hunt, whether they have a mentor or not.

I understand that Families Afield is a big supporter behind legislation such as SB197. If you look at their website, the first core value statement on their home page states "Safety First, Always". Passage of SB197 would contradict their own core value. Any guns rights or hunting organization member will tell you that the safest person with a firearm is one who has been properly trained. Please do not send our youth into the field without having first taken and passed the Montana Hunter Education program. Please do not pass SB 197.

Sincerely,

Ron Hvizdak  
[hviz@interbel.net](mailto:hviz@interbel.net)  
Ph: 406-889-3791

**Kulawik, Mary**

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**From:** John Forsman <redrmk@gmail.com>  
**Sent:** Friday, February 01, 2013 3:45 PM  
**To:** Kulawik, Mary  
**Subject:** SB 197  
**Attachments:** FWPmentor.docx; Meagan Forsman.docx

Mary,

Thank you for calling me back earlier. Attached are the two letters that my daughter and I would like to have brought up pursuant to SB 197 the Mentor Hunting Bill.

Thank you,  
John Forsman  
726 Mill Road  
Helena, MT 59602  
406-439-0522

January 31, 2013

Montana State Legislature  
Senate Fish and Game Committee

Re: Mentor Hunting Bill/SB 197

Dear Committee;

I am sending this note of concern and interest in proposed Senate Bill 197 the Mentor Hunting Bill. I strongly oppose this bill as written, many changes need to be made to it. It appears with the language as written that anyone under 12 can hunt; a three year old?

I am a 27 year volunteer instructor for Montana Hunter Education. I have taught thousands of students in Beaverhead and Lewis & Clark County. This bill would allow anyone under the age of 12 that has not taken a Hunters Education course to hunt with a mentor. Part of the Hunter Education course is to teach ethics and fair chase. A three year old does not understand ethics or fair chase. Ethics include matching a firearm to the animal being hunted so that a clean quick kill can be made. I will not go into ammunition ballistics; however, children under the age of 12 cannot manage recoil of a firearm that is needed to ethically kill an animal. Sometimes, 12 year olds are too small.

I am talking about killing an animal in this letter because ultimately that is why a hunting license is needed. Before I could legally hunt in 1974 my Dad took me with him many times. Hunter's education was exciting and an event that most 12 year olds anticipated. Take the kids out and enjoy them and yourselves, tell stories and build that excitement, I am all about families. My daughter has hunted with me since she was very little, as she grew we went different places, when she turned 12 she took and passed Hunter Education and became a Junior Instructor. Last year she turned 21 and decided to buy a license and try hunting, not just walking with me.

Finally, please do not listen that this program works in other states because it doesn't. I watched a show on television that had an eight year old hunting with his father, dad had to hold the barrel and the child pulled the trigger. This is not safe. Let kids be kids, they are going to play games but if the parents or other family members instill the desire and excitement they will want to hunt when they turn 12.

Thank you for listening to me,

John Forsman  
726 Mill Road  
Helena, MT 59602  
406-439-0522



Meagan Forsman  
2402 Sunlight Circle #1  
Helena, MT 59601  
January 31, 2013

Montana State Legislature  
Senate Fish and Game Committee

Dear Committee:

This letter is in reference to Senate Bill 197, allowing minors under the age of 12 to obtain a hunting license while hunting with someone over the age of 18. I am opposed to this bill as written. It leaves much open to interpretation, enables children to potentially learn bad hunting habits, and I feel it is unsafe for hunters and wildlife alike.

As written, this bill allows any child under the age of twelve to hunt with anyone over the age of eighteen before taking a hunter's education course. Few young children are able to comprehend the vast amount of knowledge it takes to successfully hunt. It takes knowledge about firearms and ammunition in order to harvest an animal without causing undue suffering to it. It also includes knowing when a shot is safe, what areas they are able to hunt in, and what is legal to hunt in the area you are in, among many other things. This bill is potentially leaving it legal for a toddler to harvest an animal. I do not believe that a toddler or even young child is able to understand or carry out most of the knowledge it takes to hunt safely and successfully.

I am a firm believer in the necessity of learning habits and skills correctly from the beginning because I know how difficult it is for people to change habits once they have already learned something in a different manner. I have been a volunteer instructor with Hunter's Education here in Helena since I was fifteen years old. I have gone to the classes and assisted to some degree for most of my life before this. Despite the fact that I took the class at twelve and taught it for many years, I did not hunt actively until I turned 21. The reason behind this is because this was the first year I felt comfortable and confident enough to successfully and safely harvest an animal.

While I have been an instructor, I have been given the opportunity to interact with a large amount of youth in this community; some come from families where hunting plays a large role in their lives, while others have no experience in hunting whatsoever. I have found in my teaching, the children who have experience hunting or even handling firearms before the class often have picked up habits that can be dangerous. If not taught correctly from the beginning, the children often can handle firearms in an unsafe manner and may make poor decisions in the field.



While I believe people younger than 21 are able to make the decisions necessary to hunt, I do not believe that children much younger than 12 are able to. Hunting requires a lot of knowledge that even some adults find difficult to master. As I stated previously, to pick the firearm and ammunition necessary, find the area to hunt, and the animal to shoot take knowledge that few young children have. But hunting is much more than that. Hunting requires good ethics, this involves many things including knowing the distance one is able to shoot and where to shoot the animal to kill it quickly so it does not suffer. It is also necessary to hunt safely so that you and other people in the vicinity are out of danger; this is why I support hunter's education as I do, I am a huge advocate on hunting safely.

In conclusion, I do not believe that this bill should pass as it is written due to the statements I have included: it leaves too much open to interpretation, it allows unsafe habits to potentially start, and it can be very unsafe.

I appreciate you taking the time to read this letter.

Sincerely,

Meagan Forsman

**Kulawik, Mary**

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**From:** Pat Flanary <pflanary@interbel.net>  
**Sent:** Sunday, February 03, 2013 10:36 PM  
**To:** Kulawik, Mary  
**Subject:** Senate bill 197  
**Attachments:** huntered letter.docx

Please forward my letter to the proper committee. Thank you.

Patrick Flanary

P.O. Box 487

Eureka, MT 59917

Montana Senate Fish and Game Committee,

I am concerned about SB 197, a bill that proposes removing age minimums for hunters as long as they are accompanied by a "hunting mentor".

I received my Hunter Education certificate in 1964 (yes, a long time ago). The class was taught by the local plumber. I still remember the thrill of passing the test. Since then I've seen the same excitement in the eyes of hundreds of kids as they find out they've passed Hunter Education. I've been involved in teaching two Hunter Education classes/year in the Eureka area for almost 20 years. I've learned a few things in those years, a couple I'd like to share with you.

A few years ago the department started allowing students that were over the age of 18 to take an online version of the Hunter Education course. These students are still required to attend a field course before they can be certified to receive a Hunter Education certificate. These online students are many years older than our 12 year old students. However, as a long-term instructor I've noticed their gun handling skills are generally of much lower proficiency than our younger students that are taking a formal class. I have grave concerns about the gun handling skills of youths that are 10-12 years younger than our current 18 year old online students. Gun handling skills relate directly to gun safety, poor muzzle control is directly related to increased serious accidents.

We use youth model guns, both shotguns and rifles in our classes. These guns are made for youths that have smaller hands and arms. It is not unusual for up to 10% of our students to have trouble operating actions due to their small hands and smaller stature. As instructors, we see this every year. Many families cannot afford to buy special firearms for their children. I can't imagine how an 8 or 9 year old could safely handle Dad's deer rifle. There is a reason that age 12 has always been considered a minimum age.

There are two big rites of passage for many Montana youth. These are passing Hunter Education and getting a driver's license. Both activities, driving and hunting, are potentially very dangerous. Both require a level of proficiency before they can be safely done. Even though Drivers Education is no longer generally required, you are still required to show your proficiency by taking a driver's test. These regulations help protect all drivers from those that may not have the skills to drive safely, even if they were to have a mentor with them. The same is true for handling guns for hunting.

Hunter Education is not a barrier to getting more hunters in the field. It's main purpose is to ensure new hunters practice safe gun handling for themselves and others in the field. Montana hunter numbers are very stable compared to most states. I would guess our local long-term success rate for students passing Hunter Education is at least 95%, possibly greater.

I am suspicious about the motivations for outside, out-of-state groups that are pushing this legislation in Montana. Our current system turns out quality, enthusiastic students that know how to safely handle guns. Our students have also been exposed to many other topics such as hunter ethics, wildlife management, and survival skills. Every year private landowners and Montana Game Wardens have problems with poor hunter behavior. This isn't because too many hunters have had Hunter Education, just the reverse actually.

Thank you for your time.

Patrick Flanary

2/3/13